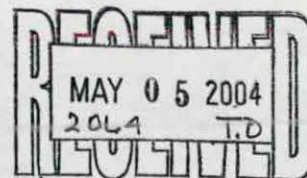




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733



OCT 21 2003

Copies to:  
ad ka

Post-it* Fax Note	7671	Date	8/5/04	# of pages	2
To	Steve Drown		From	Elen Carpenter	
Co./Dept.			Co.		
Phone #			Phone #		
Fax #	682-0910		Fax #		

Mr. Marcus Devine  
Director  
Arkansas Department of Environmental Quality  
Post Office Box 8913  
Little Rock, Arkansas 72219-8913

RE: The Cedar Chemical Site  
NPDES Permit Number AR0036412

Dear Mr. Devine:

This letter is in response to your letter dated August 15, 2003, in which you describe the current situation at the Cedar Chemical Corporation ("Cedar") facility in West Helena, Arkansas. As described in your letter, Cedar was a production facility for organic pesticide chemicals and custom organic non-pesticide chemicals before ceasing operations and filing for bankruptcy in 2002. In August of 2002, Cedar filed a motion with the U.S. Bankruptcy Court for the Southern District of New York requesting an order authorizing abandonment of the West Helena facility. On October 18, 2002, the Bankruptcy Court granted Cedar's motion and issued a Stipulation and Order authorizing abandonment of the West Helena facility, effective October 14, 2002, and giving the Arkansas Department of Environmental Quality (ADEQ) and U.S. EPA Region 6 (EPA) broad authority to manage the site in an environmentally responsible fashion.

Although no active treatment has occurred subsequent to abandonment of the facility, there has been a buildup of storm water in Cedar's wastewater treatment ponds due to significant rain and storm events. This buildup of storm water in the wastewater treatment ponds has reduced the amount of freeboard to dangerous levels, and ADEQ now believes it necessary to discharge effluent from Cedar's ponds to avoid overflowing the pond system or causing catastrophic failure of the ponds' dikes. Cedar has a currently effective National Pollutant Discharge System (NPDES) permit, which allows a discharge from Cedar's wastewater treatment system through Outfall 002 to the Mississippi River in Segment 6B of the Mississippi River Basin. Recent sampling performed by ADEQ and provided to EPA as an attachment to your August 15, 2003, letter indicates that a discharge from Cedar's wastewater treatment system would not violate water quality standards for this segment of the Mississippi River.

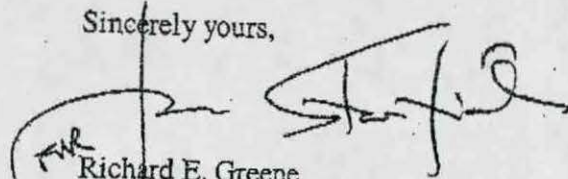
Based on the broad authority granted ADEQ and EPA by the Bankruptcy Court to operate the ponds and wastewater systems post abandonment and on the factual information you have

provided, EPA agrees that ADEQ has ample authority to discharge effluent from Cedar's wastewater treatment system through Outfall 002 to the Mississippi River. It is my understanding that the discharge will not be continuous, but on an as needed basis and that when discharging, ADEQ will sample for the necessary parameters required by Cedar's existing NPDES permit and provide the results of that sampling to EPA as soon as possible.

In addition, within five (5) days of any discharge, please report in writing to EPA the volume of the discharge, the duration of time during which the discharge occurred and any observable impacts on the receiving water. Should an emergency occur, please report the circumstances of such emergency to EPA within twenty-four (24) hours. All sampling results and discharge reports should be sent to the attention of Vivian Hare with the Compliance Monitoring Section of EPA Region 6.

Thank you for your attention to this matter. Please feel free to give me a call if you would like to discuss it further.

Sincerely yours,



Richard E. Greene  
Regional Administrator

cc: Vivian Hare